

THE
CITY of LONDON
LOYAL PLEA;
OR,
A Rational stating the CASE
CONCERNING

The Election of Sheriffs
FOR THE

CITY of LONDON
AND
COUNTY of MIDDLESEX

Read seriously, Judge not rashly.

L O N D O N,

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THE
CITY OF LONDON

TO THE
CITIZENS
OF THE
HONOURABLE CITY
OF
LONDON.

WORTHY SIRS,

Since that the Election of Sheriffs hath unhappily been the Bustle and common talk of the Town, and that several Papers and Books have been written and dispersed, which tend to nothing else but the exasperating of Passions, widening our Breaches, and extinguishing Christian and Brotherly Love; I do therefore humbly appear as Moderator. And (with your Pardon) presume to present you with A Chain of Particulars, which, when duly and calmly considered, will serve, I hope, to accommodate our present Differences, and restore us to a right understanding. It is no great matter what Party the Writer is of. But this I assure you, that he is one who delights to discern and distinguish between Truth and Error, and very much loves to reconcile Enemies, and heartily prays for the welfare and increase of all honest and loyal men in the honourable City of LONDON.

SEVERAL PARTICULARS

Offered to all

UNBIASED and INTELLIGENT
CITIZENS.

THe City of *Londons* Corporation (constituted by several Grants from the Kings of *England*) consists of a Lord Major, Commonalty, and Citizens; or of a Lord Major, Barons and Citizens.
The Prime and Principal part of which Royal constituted Corporation, is the Lord Major.

And the Barons, or Commonalty and Citizens of *London* in conjunction with the Lord Major, makes up the whole Corporation.

The Lord Major as the Prime and Supreme part of *Londons* Corporation, Cites, Summons, Convenes, Calls and Assembles, the Commonalty and Citizens of *London*, according to Custom, and the emergencies and exigencies of the Cities Affairs.

And the Barons, Commonalty, and Citizens of the City of *London* have always (time out of mind) appeared, met, and assembled in obedience to his Lordships precept and appointment.

The Election of Sheriffs for the City of *London* and County of *Middlesex* (as all the Charters rehearsed in the City Plea say) is by Royal Grace and Bounty granted to the Lord Major, Barons, Commonalty, and Citizens of *London*.

In all which Royal Grants, concerning the Election of Sheriffs, (pray observe) that the Lord Major is first named, and must be at least equally concerned with the Commonalty and Citizens of *London* in the Election of Sheriffs.

And as the Lord Major by himself is not *Londons* Corporation without the Commonalty and Citizens, so the Commonalty and Citizens is no Corporation without a Lord Major.

For no man can be a Lord Major, that is not a Citizen: and a Citizen, when made Lord Major, is the Prime and principal part of *Londons* Corporation.

These Premises being duely considered and granted, it will then follow, that the Sheriffs elected by the joint consent of the Lord Major, Commonalty, and Citizens of *London*, are but (under the KING) Servants to the Electors; and consequently can have no Power, Authority, and Jurisdiction over them that elected them, but what the Common-Law allows, and the City Charter grants.

Now in all the Common-Law, and in all the City Charters, there is no Usage, Custom, Priviledge, Power, or Authority given to the Sheriffs of *London* and *Middlesex*, for to Cite, Summon, Call, Convene, and Assemble the

Lord Major, Barons, Commonalty and Citizens of *London* to nominate and chuse two Sheriffs for the said City and County for the Year ensuing.

And therefore if by Common-Law and City-Charter the Sheriffs cannot call, convene, and constitute a Court, then certainly the Sheriffs, (if concerned at all in that Court) are but ministerial Officers, and no ways Managers or Judges of Affairs transacted in it.

The Cities great Court, called the *Hustings*, is not now, and never was allowed to be a Court without a Lord Major and six Aldermen at the least opening of it, and sitting in it.

And though it may be sometimes the County Court, yet in the memory of Man it was never known, that any Sheriffs did offer to keep it as the County Court, without six Aldermen at the least sitting, and the Lord Major presiding in it.

Therefore for any Sheriffs to call the *Hustings* their Court, because it is the County Court, and to manage, order, and appoint the Affairs thereof without a Lord Major and six Aldermen, is perfectly illegal, arbitrary, as being against Law, Usage, Custom, City-Grants, and all Precedents in Good and Regular Times.

If the Lord Major hath not a greater, yet he hath an equal Power with the Barons, Commonalty, and Citizens of *London* in the electing of Sheriffs, because (as the City Plea says) the Election is given to the Lord Major, Commonalty, and Citizens of *London*.

By which it plainly appears, That the Lord Majors Vote and consent is as necessary to the Election of Sheriffs, as the Vote and consent of the Commonalty and Citizens. And if there be not a joint concurrence and consent, of both Lord Major and Commonalty, there can be no man elected Sheriff.

For all the Charters which empower the Commonalty and Citizens of *London* to chuse two Sheriffs, do also nominate, appoint, and constitute the Lord Major as the Prime and principal Person to be concerned in the Election.

For mutual concord and agreement therefore between these two parts of the Corporation, It may be rationally presumed that the Commonalty and Citizens of *London*, did (in a complying respect and honour to the Lord Major) allow him the nominating of one person, and reserve to themselves the nominating another person for the Sheriffs of *London* and *Middlesex*.

And look who was the person or persons nominated and presented by each one to another, he or they, was by the Lord Major and Citizens jointly approved and confirmed.

And that this Presumption is rational, may be gathered from the usual practice of both parts of the Corporation in this matter.

The first part of the Corporation (as I said before) is the Lord Major. Now He (time out of mind, the great Argument in the Cities Plea) did ever nominate a Sheriff for the Year ensuing, by the Ceremony of Drinking to him by Name, in some certain place, and before several Witnesses. And the time of this Naming a Sheriff by Drinking to, was a Week or Weeks before *Midsummer Day*.

Upon which *Midsummer Day* that followed that Drinking to, the Barons, Commonalty, and Citizens of *London*, were by the Lord Majors Precept, called and assembled for the Election of two Sheriffs for the year ensuing.

And when they were so assembled, the first person that was nominated and presented to the Common Hall to be elected Sheriff, was the man whom the Lord Major had drank to by the Name or Title of Sheriff before that *Midsummer*

mer Day: And the Common Hall have (time out of mind) constantly accepted, approved, and confirmed that very person for Sheriff which was presented to them by the Lord Major.

And on the other side: When the Commonalty and Citizens of *London* assembled in Guild-hall on Midsummer day, did elect and choose one other person to be Fellow-Sheriff with him whom before they chose and confirmed, then the Lord Major (time out of mind) hath always consented to, and confirmed that their Election.

Now upon this joint consent and mutual practice of accepting, approving, and confirming two men to be Sheriffs, both by the Lord Major, and Commons; and Citizens of *London*, I may reasonably infer, that there was originally some compact and agreement or other between both parts of the Corporation about this matter.

I do the rather believe it, because the general Usage, Custom, and Practice of the Commoners confirming the person whom the Lord Major presented: And the Lord Majors accepting and confirming whom the Commoners presented by their Election, hath been time out of mind, or near two hundred years standing.

And for a farther demonstration that the Lord Major hath an equal power and consent in the Election of Sheriffs with the Commonalty and Citizens of *London*:

Pray consider these following Particulars:

First, That the persons drank to by the Lord Major before Midsummer day under the name and notion of *Sheriffs* for the Year ensuing, have many times appeared before the Lord Major and Court of Aldermen, with a request to be released from the Office to which they were consigned by my Lord Majors drinking to; and that upon the payment of a Fine.

And now I appeal to all the sober, reasonable and observing men of this honourable City, Whether they do not remember and know several of their Friends, and some scores of their Fellow-Citizens that paid their Fines, to be excused from the Office of Sheriff. And this done too before Midsummer day.

Now if this hath been a constant custom (time out of mind) for men to discharge themselves by Fine from the Office of Sheriff, to which they were elected no other way but by the Lord Majors drinking to: then pray judge, Whether all your Ancestors, and many eminent Citizens now living, have not owned, allowed, and approved that the Lord Majors drinking to a man as Sheriff before Midsummer day, was a sufficient electing him to that office. For if they did not, then certainly they would not have paid their Fines and got off by such a method.

Secondly consider, Whether the Commonalty and Citizens of *London* assembled in Guild-hall on Midsummer day, did ever offer to name, much less to elect for Sheriff any of those men, who (upon my Lord Majors drinking to as Sheriffs) had excused themselves from that Office by Bond or Fining before Midsummer day.

As for Example.

Sir Robert Clayton in his Majoralty had drank to five or six for Sheriff, and that before Midsummer day. And all these persons had excused or discharged themselves by Fine or Bond before Midsummer day. And yet (observe it) the Common Hall upon Midsummer day named not one of these to be elected Sheriff by them.

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By which it is apparent, that the Commonalty and Citizens of *London* have yielded the Point; that they cannot nominate or elect any man upon Midsummer day to be Sheriff for the year ensuing, who hath fined for Sheriff upon the Lord Majors drinking to before that Midsummer day.

And if no president can be brought against what I have said, then we must conclude, that the Commonalty and Citizens of *London* have time out of mind owned, and granted, that the Lord Majors drinking to a person, as Sheriff, before Midsummer day is a just and good electing him to that Office for that Year; or else why did the Common Hall never chuse that man, who had fined upon the Lord Majors drinking to.

Thirdly consider, That if the Election of both the Sheriffs lies solely in the power of the Commonalty and Citizens of *London*, how comes it then to pass, that the liberty of Fining and not Fining, and the Prerogative of holding or discharging of Sheriffs elected by you, is wholly in the pleasure of the Lord Major and Court of Aldermen.

Were Sheriffs made solely by the Vote and Election of the Commonalty and Citizens of *London*, then they could never be discharged or released from that Office by a Fine, unless they have your vote and consent. Be certain, the power of *Binding* and *Loosing* go together.

Lastly consider, That this denying and depriving the Lord Major of electing a Sheriff by the Ceremony of drinking to, must of necessity impoverish the Chamber of *London*.

For by the course taken these two last years, you not onely prevent the Income of Sheriffs Fines for the future: But you must draw upon your selves some scores of persons that will lay a claim to many thousands of pounds in your Treasury.

For at the same time that you can prove that the Lord Majors drinking to a person as Sheriff, is no Election, at that very time you will have hundreds challenging the City to repay those Fines which they paid to be discharged from the Office of Sheriff, and were no ways elected to it, but by the Lord Majors drinking to.

And therefore when you make it out that the Lord Major hath no power to elect, then they will make it out that their Money and Fines was illegally paid and received.

And though it may be objected, that these persons afore said, did voluntarily pay their Fines, and *volenti non fit injuria*, yet observe, that they paid them upon a certain belief that it was the undoubted and uninterrupted legal Right, Privilege and Prerogative of the Lord Major to chuse a Sheriff by drinking to. Or else we can never imagine that so many hundreds of knowing and prudent Citizens should ever so tamely and voluntarily pay their Fines.

In short, If you yield and allow the Lord Major to chuse a Sheriff by drinking to, you then preserve the City Treasury, and the Fines raised upon such that went off upon the Lord Majors drinking to.

But if you rend and tear this Prerogative from the Chair, and will not allow that the Lord Major ever had a power of chusing a Sheriff, you are then bound in equity, conscience, and honour to restore all the Money and Fines to those Gentlemen, who were never chosen Sheriffs but by the Lord Major, and who paid their Fines to be discharged from that Office.

The Conclusion.

Worthy Sirs, Therefore as you love and tender the many great and gracious Immunities, Liberties, and Priviledges which have been given to the City of *London* by Royal Grants. I beseech you to keep within the bounds of Modesty and Moderation.

It is readily granted that the Faileurs of a private person, or the indecent Deportment and Miscarriage of a single Officer and some few men, cannot possibly forfeit your Charter.

But the hot-headed and imprudent act of the whole, or major part of a Corporation, when assembled, may do that mischief to You and your Charter, which cannot be repaired without *Charge* and *Repentance*.

And who knows but there are some *behind the Curtain*, who out of Pride, Ambition, love of Popular Applause, secret Disgusts, and vowed Revenge, are hurrying you on to this dismal downfall.

Beware of a too forward placing the sole power of Electing Sheriffs for *London* and *Middlesex* in the Commonalty and Citizens of *London*. For if you exclude the Lord Major from a Vote and consent with you, you then dissolve the Corporation of *London*; because You are not that Corporation which is constituted by Charter.

Look over therefore all the Charters granted by several Kings, and you will find that in the case of Electing Sheriffs, the Lord Major is first and principally named and concerned. And without his Vote, Consent, and Pleasure, all the men in your honourable City cannot chuse and make a Sheriff or Sheriffs.

Give every man his Due.

It is the onely way to be safe.

FINIS.
